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		Application Number	10/736,248
		Filing Date	December 15, 2003
		First Named Inventor	Ovshinsky
		Art Unit	1745
		Examiner Name	Martin, Angela J
Total Number of Pages in This Submission	2	Attorney Docket Number	FC-120.2

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Energy Conversion Devices, Inc.		
Signature			
Printed name	Frederick W. Mau II		
Date	September 20, 2005	Reg. No.	52,453

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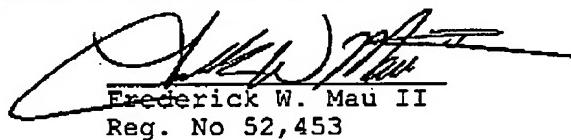
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REJECTION OVER A PRIOR PATENT**

In re Application of: Ovshinsky et al.  
Application No.: 10/736,246  
Filed: December 15, 2003  
For: Ovonic Fuel Cell Company, LLC

The owner\*, Ovonic Fuel Cell Company, LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted from U.S. Patent Application No. 10/636,152. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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